

**COMMITTEE ON MARINE FISHERIES  
LEGISLATIVE RESEARCH COMMISSION**

**January 5, 2012**

**MINUTES**

The LRC Marine Fisheries Committee met on Thursday, January 5, 2012 in Room 643 of the Legislative Office Building at 1:00 P.M. Senators Harry Brown, Don East, Brent Jackson, Jean Preston, Tommy Tucker and Stan White were present. Representatives Darrell McCormick, Dan Ingle, Pat McElraft and Ruth Samuelson were present.

**I - III CALL TO ORDER: INTRODUCTORY REMARKS: & INTRODUCTION OF MEMBERS & STAFF**

Sen. Harry Brown, Co-Chair called the meeting to order, introduced Sergeant-At-Arms staff, and offered introductory remarks. Rep. McCormick welcomed members to the committee and thanked them for being here.

**IV. REVIEW OF COMMITTEE CHARGE**

Mr. Jeff Hudson, Committee Counsel explained the charge issued to this committee. (Attachment A)

**V. ADOPTION OF COMMITTEE BUDGET**

Sen. White moved for adoption of the budget. Vote taken, so moved. (Attachment B)

**VI. OVERVIEW OF FISHERIES MANAGEMENT AGENCIES IN NORTH CAROLINA**

Mr. Jeff Hudson, Committee Counsel, gave a PowerPoint presentation. (Attachment C) This presentation began with explanation of the jurisdiction of state and federal fisheries management. Generally, states have jurisdiction over the management of marine fisheries in their inland waters and territorial waters. In North Carolina these waters are known as coastal fishing waters and encompass waters within the State's estuaries, sounds and within three miles of its Atlantic shoreline. Generally, the federal government has jurisdiction over the management of marine fisheries from three miles to 200 miles off the Atlantic shoreline. This area is known as the exclusive economic zone (EEZ). Federal marine fisheries management is implemented by the National Marine Fisheries Services (NMFS), which is located within the National Oceanic & Atmospheric Administration (NOAA) of the United States Department of Commerce. The main federal legislation governing marine fisheries management is the Magnuson-Stevens Fishery Conservation & Management Act. This Act created several regional fisheries management councils to manage marine fisheries. North Carolina is a member of the Mid-Atlantic Fishery Management Council and the South Atlantic Fishery Management Council. The three main agencies responsible for fisheries and wildlife management in North Carolina are: 1) the Marine Fisheries Commission; 2) the Division of Marine Fisheries; 3) and the Wildlife Resources Commission. This presentation explained the duties of each agency (pages 7-20 of attachment).

**DISCUSSION:**

Sen. East asked for the difference between sport versus recreational sport fishing. Mr. Hudson explained the differences as stated on Page 13 of the presentation. Sen. East followed-up and questioned the differences of "one and two members actively engaged" in recreational sports fishing and sports fishing as shown on Page

13. Mr. Hudson explained. Sen. White asked if the members are allocated geographically. Mr. Hudson responded and said he would double check on this statute (G.S. 143B-289.52). Mr. Hudson continued and gave an explanation of the Wildlife Resources Commission, freshwater fisheries, and wildlife management. Since 1989 there has been a legislative oversight commission for marine fisheries management, the Joint Legislative Commission on Seafood and Aquaculture. During the 2011 Regular Session, the General Assembly abolished the Commission. All reporting requirements were transferred to the Joint Legislative Commission on Governmental Operations. Additionally, the Committee on Marine Fisheries has been tasked to study these issues.

## **VII. OVERVIEW OF BUDGETS & FUNDING OF FISHERIES MANAGEMENT AGENCIES IN NORTH CAROLINA**

Ms. Lanier McRee, Fiscal Analyst, informed the Committee that she checked the statute that Sen. East referenced. Ms. McRee said that the statute specified certain geographic requirements for member of the Marine Fisheries Commission. Ms. McRee's presentation (Attachment D) explained the mission statement and the break-down of expenditures of the fisheries and wildlife management agencies. Division of Marine Fisheries Sections include Fisheries Management; Protected Resources Species; Marine Patrol; License & Statistics; Resource Enhancement; Habitat Protection; Administration & Public Affairs; Shellfish Sanitation & Recreational Water Quality, and Administrative & Maintenance Services. The Wildlife Resources Commission includes Administrative Services; Inland Fisheries; Wildlife Management; Engineering Services; Conservation Education and Law Enforcement.

### **DISCUSSION:**

Rep. Samuelson asked how many paid subscriptions there are for the Wildlife Magazine and she asked about the submerged land issue. Mr. Louis Daniel will address the land issue in his presentation and Mr. Meyers will address the magazine subscription.

Sen. East asked for explanation of the debt services. Ms. McRee said that she will get that information to him. Sen. East questioned the differences between Wildlife Officers and Marine Patrol Officers. Ms. McRee said that there is some over-lap, but they each enforce different infractions. Example: one division checks for safety vests on the water and the other group checks fishing licenses, etc. Sen. East asked if this is where dual enforcement comes from.

Sen. Tucker said they discussed some things during budget negotiations and dual enforcement was one of those items. Perhaps they should reduce some of the dual enforcement? Sen. Tucker believes this should be looked at. Chairman Brown said that this committee will be looking at this as part of the Committee's charge.

## **VIII. OVERVIEW OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES & THE MANAGEMENT OF MARINE FISHERIES IN NORTH CAROLINA**

Mr. Louis Daniel, Director of the Division of Marine Fisheries (DMF) of the Department of Environment and Natural Resources (DENR), gave his PowerPoint presentation. (Attachment E) His presentation began with facts about the species of fish that are in or migrate to North Carolina. We are ranked second on the East Coast in the number of fish landed recreationally and seventh among East Coast states in pounds of fish landed commercially. As such, DMF studies fish mortality rates.

There is an economic impact on both (recreational and commercial) fisheries for our state. Mr. Daniel explained the Fisheries Reform Act of 1997 (FRA), which has been changed throughout the years. DMF is responsible for management of marine fisheries and implements the rules and policies passed by the Marine Fisheries Commission (MFC). Mr. Daniel explained the staff's roles and their duties. He reiterated that they fight for what's best for the state of North Carolina and its fishing industries. Regulatory agencies include the North Carolina Wildlife Resources Commission; Atlantic States Marine Fisheries Commission; National Marine

Fisheries Service; South Atlantic Fishery Management Council; and Mid-Atlantic Fishery Management Council. Some of these include federal rules that must be enforced by the State. The FRA was put in place to work through differences and create formal criteria for planning and management decisions based on scientific analysis and a structured system for public input.

Programs were created and enhanced for habitat protection, stock assessment, and socio-economics. Many programs have been improved due to this Act and North Carolina has the best records of our surrounding states. The Coastal Habitat Protection Plan helps with overfishing and re-builds habitats. The Fishery Management Plan (FMP) guides the management of coastal fishery stocks with the goal of ensuring the long-term sustainability of stocks. Stock assessments; characterization of the fishery; habitat considerations; identified issues and concerns; and management strategies are all part of this Act. All meetings are open to the public.

The law states (G.S. 113-182.1(6)) that the Fishery Management Plan must achieve sustainable harvest within 10 years of the adoption of the plan. The current MFC Advisory Committees include: Regional, standing, FMP, and subject matter advisory committees. Most of the FMP's have been completed, with six more to go. Those completed are: 1) southern flounder; 2) red drum; 3) oyster; 4) hard clam; 5) interjurisdictional; 6) kingfish; 7) bay scallop; 8) river herring; 9) shrimp; 10) blue crab; 11) striped bass; and 12) striped mullet. In progress are: 1) spotted seatrout; 2) southern flounder; 3) and striped bass. Those in review are: 1) blue crab; 2) striped mullet; 3) and shrimp review. The advisory committee's role is to make sure that North Carolina is treated fairly with all rules and regulations. Mr. Daniel reiterated that the conclusions of the Division of Marine Fisheries are important.

Rep. Samuelson inquired about the recommendations and implementation of plans and who else helps with these. Mr. Daniel said that they also include public input.

Rep. Ingle asked about the red drum and striped bass fisheries and their percentages. Mr. Daniel said it is about 2%. Rep. Ingle asked if we are seeing increases or decreases. Mr. Daniel responded that striped bass is not overfished at the current time. However, speckled trout is overfished. Landings and reasons are due to environmental conditions, according to the stock assessments indications. Gillnet fisheries landed a little less, which is due to sea turtles and the restrictions in place to protect turtles. Mr. Daniel believes the overall assessments are pretty good. Rep. Ingle questioned the mortality of recreational fishing. Mr. Daniel said this varies according to the species, temperature, and the hooks used. On average, there is about a 10% discard mortality rate, but this varies greatly. Rep. Ingle asked if there are any educational programs. Mr. Daniel said that they have programs, including Wildlife Resources and Sea Grant brochures and guides, which have been put together with recreational angler's money. Other groups have also made publications for the public to help get out the information.

#### **DISCUSSION:**

Sen. East questioned the graph about total landings and have these decreased since 1997 when the FRA was enacted. Mr. Daniel said the graph contains menhaden species and when you compare 1997 with the menhaden shown that makes up the differences. Sen. East questioned the economic impact for 2006, the recreational economic impact, and the commercial economic impacts. Mr. Daniel explained how this data is compiled and maintained by their economists. There are many factors as to what goes to homes, restaurants, or sold outright. Mr. Daniel said the important take-home fact is that we are ranked second and seventh among the states in recreational and commercial fishing, respectively. Sen. East spoke on the impact on commercial fishermen. Mr. Daniel said these figures are based on the surveys of fishermen. There are some fisherman who won't spend much money—take their own food to eat and sleep in their trucks, but some fisherman will spend more money for their fishing trips. These fishermen eat at local restaurants and stay in hotels. Sen. East asked if there is a value on all the jobs of those who work at fish houses and those who need to feed the family. Mr. Daniel doesn't know how this would be figured in with the economic impact. Sen. East

feels this would be a large part of the impact. Mr. Daniel said the trickle-down impacts are there and they do work into the equation of economic impacts. Those jobs are important and the Senator is correct that they would provide impacts.

Rep. McCormick made comments relative to Sen. East's comments about the economic impacts. The impacts expand for the benefits for commercial fishermen. Some people save up to make these trips and spend a lot of money. The methods provided by Mr. Daniel are provided from what his economists give him.

Sen. Jackson questioned how many fishermen fish for menhaden. Mr. Daniel said they have done studies and there are about 250 fishermen. Typically those folks go back to Virginia to download their catch. There are some fishermen that travel back and forth. He doesn't have the exact numbers. Sen. Jackson asked how many come from out-of-state. Mr. Daniel said they have eight or nine, but usually five or six boats will come and do some netting. However, they have seen some reductions and sometimes there are only one or two.

## **IX. OVERVIEW OF THE WILDLIFE RESOURCES COMMISSION & THE MANAGEMENT OF THE INLAND FISHERIES AND GAME IN NORTH CAROLINA**

Mr. Gordon Meyers, Executive Director, Wildlife Resources Commission (WRC) gave his overview of the Commission with his PowerPoint presentation. (Attachment F) The purpose of the WRC is to develop and administer programs directed to the conservation of fish and wildlife resources and their habitats. This Commission includes law enforcement; wildlife management; inland fisheries; conservation education; administrative sections; and engineering services. Their charge is to protect state public trust resources. They oversee game and non-game species; habitat and public accesses; monitor health and status of wildlife populations; help resolve human wildlife conflicts through technical guidance. They manage a large statewide infrastructure such as ponds, dams, waterfowl impounds, fishing areas, and some state fish hatcheries. The WRC has an agency board that interacts with staff and stake-holders. Rulemaking is an important duty performed by the board. They hold nine public meetings during a year. WRC receives federal grants of \$15.6 million. Page 7 shows the breakdown. Every constituent has an important role to help conserve fish and wild resources. This includes resident anglers, resident hunters, and owners of registered boats.

### **DISCUSSION:**

Sen. Tucker asked for explanation of the number of staff in offices versus in the field. Mr. Meyers said they are mostly a field-based organization. They spend a great deal of time in the field. Sen. Tucker asked if the Wildlife Magazine is done in-house. Mr. Meyers said it is done in-house and there is no other subsidy for this publication.

## **X. COMMISSION DISCUSSION & ANNOUNCEMENTS**

Chairman Brown announced the next meeting will be February 2, 2012 at 1:00.

## **XI. ADJOURNMENT**

The committee adjourned at 2:58 p.m.

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Sen. Harry Brown, Senate Co-Chair

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Cindy J. Davis, Senate Comm. Clerk